

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are 7 Extraordinary issues to the Official Gazette, Series II No. 40 dated 30-12-99 as follows:

- 1) Extraordinary No. 1 dated 30-12-1999 from pages 635 to 636 regarding Notification from Department of Panchayati Raj and Community Development.
- 2) Extraordinary No. 2 dated 30-12-1999 from pages 637 to 638 regarding Notification from Department of Goa Legislature Secretariat.
- 3) Extraordinary No. 3 dated 31-12-1999 from pages 639 to 640 regarding Notification from Department of Panchayati Raj and Community Development.
- 4) Extraordinary No. 4 dated 4-1-2000 from pages 641 to 644 regarding Notifications from Department of Elections and Labour.
- 5) Extraordinary No. 5 dated 5-1-2000 from pages 645 to 646 regarding Notification from Department of Legislature.
- 6) Extraordinary No. 6 dated 5-1-2000 from pages 647 to 648 regarding Notification from Department of Finance.
- 7) Extraordinary No. 7 dated 5-1-2000 from pages 649 to 654 regarding Notification from Department of Revenue.

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Technical Education

Order

No. 16/1/88-EDN (Col)/6540

The Adhoc appointment of Shri M. N. Raikar, Head of Dept. (Mechanical Engineering) in Government Polytechnic, Panaji, is hereby extended for further period of six months with effect from 22-1-2000 or till the post is filled up on regular basis whichever is earlier.

By Order and in the name of the Governor of Goa.

Dr. S. N. Lall, Director of Technical Education and Additional Secretary.

Porvorim, 21st December, 1999.

Department of Finance

Directorate of Accounts

Order

No. DA/Admn/45-3/99-2000/TR-2308/233

On the recommendations of the D. P. C. as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1 (2)/92 Vol. II dated 19-11-1999, Government is pleased to promote Shri Vinayak B. Lotlikar, Accountant of the Common Accounts Cadre to the post of Asstt. Accounts Officer (Group 'B' Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with effect from the date of taking over the charge of the post.

On promotion to the post of Asstt. Accounts Officer, Shri Vinayak B. Lotlikar, Accountant is deployed to Goa University, Taleigao Plateau on deputation basis for one year in the first instance and it shall be regulated as per the standard terms of deputation contained in the office memorandum No. 13-4-74/PER dtd. 12-2-99 as amended from time to time.

The Goa University, shall be liable to pay the Government leave salary and pension contribution of Shri Lotlikar, Asstt. Accounts Officer at the prescribed rates. Shri Lotlikar will be entitled to the benefits of surrender of leave and expenditure towards the payments of compensatory allowance including Dearness Allowance shall be borne by the Goa University.

Shri Lotlikar, A.A.O. shall be on probation for a period of two years in the first instance. He should exercise an option for fixation of pay under F. R. 22 (I) (a) (i) within one month from the date of promotion.

Shri Lotlikar shall send C.T.C./Joining Report to this Directorate on reporting to his new assignment.

This order shall have immediate effect.

By order and in the name of the Governor of Goa.

S. P. Karmali, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 24th December, 1999.

Department of General Administration

Notification

No. 25/4/95-GA&C

Government of Goa regret to state that Shri Shankar Dayal Sharma, Former President of India, passed away on Sunday, the 26th December, 1999 at 22.35 hours at New Delhi.

As a mark of respect to the departed leader, Government of Goa declares State mourning for a period of 7 days from 27th December, 1999 to 2nd January, 2000 both days inclusive throughout the State of Goa.

During the period of State mourning, the National Flag will be flown at Half Mast throughout the State of Goa in all the buildings where it is regularly flown and there will be no official entertainments.

By order and in the name of the Governor of Goa.

Vasant Bodnekar, Under Secretary, (GA).

Panaji, 27th December, 1999.

Department of Labour

Order

No. CL/Pub-Awards/98/6094

The following Award dated 23-11-1999 in reference No. IT-45-94 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, and Labour Ex-Officio Joint Secretary, (Labour).

Panaji, 15th December, 1999.

IN THE INDUSTRIAL TRIBUNAL

GOVERNMENT OF GOA

AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/45/94

Shri Ulhas N. Naik,
Rep. by The President,
K.T.C. Drivers & Allied
Employees Association,
M-25, Housing Board Colony,
Margao-Goa.

... Workman/Party I

V/s

M/s. Kadamba Transport Corporation
Ltd., Panaji-Goa.

... Employer/Party II

Workman/Party I — Represented by Shri K. V. Nadkarni.

Employer/Party II — Represented by Adv. Shri C. J. Mane.

Panaji, Dated : 23-11-1999.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 22-2-94 bearing No. 28/3/94-LAB referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of M/s. Kadamba Transport Corporation Ltd., Panaji, in refusing employment to Shri Ulhas N. Naik, Helper/Cleaner, with effect from 1-10-92 is legal and justified?

If not, to what relief the workman is entitled?”

2. On receipt of the reference a case was registered under No. IT/45/94 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The workman/Party I (for short, “workman”) filed his statement of claim which is at Exb. 5. The facts of the case in brief as pleaded by the workman are that he was employed with the Employer/Party II (for short, “employer”) as a Helper/Cleaner in the permanent category of employees. That while he was working at the Margao Depot he received a transfer order dated 6th June 1992 sent by the Personnel Manager transferring him from Margao Depot to Central Workshop at Porvorim. That by representation dated 11-6-92 he pointed out that the transfer order was arbitrary and vindictive besides being in violation of the Circular dated 25-5-92 under which it was notified that the services of only that employee can be transferred who has completed 3 years service in one place and since he had not completed even 2 years of service at Margao Depot he requested the Personnel Manager to reconsider his decision and cancel the transfer order. That on 1-7-92 the Personnel Manager called him and asked him to give an application stating that he is staying with his old and aged parents and his transfer would cause hardship to them. That accordingly he made such application at the very moment and immediately thereafter the Personnel Manager gave him the copy of the letter dated 1-7-92 addressed to the Margao Depot manager informing him that the transfer order dated 6-6-92 issued to the workman is kept in abeyance and further asked him to utilise his services at Margao Depot. That at the end of the working hours on 30-9-92 he received a fresh transfer order from the Personnel Manager stating that he is transferred to Panaji depot instead of Central Workshop, Porvorim and advised him to report to the Depot Manager at Panaji. That accordingly he approached the Depot Manager, Margao on 1-10-92 for the release order to enable him to report at the place of transfer. That he was told the release order has been posted to his residential address and when he asked for the copy of the said order the same was refused and the Depot Manager instructed the security staff at the Margao Depot not to allow him to attend his regular duties at the Margao Depot and as such he was refused employment from 1-10-92. That thereafter he made several trips to the Margao Depot and met the Depot Manager and requested him to either issue to him the relieving order or permit him to report for duties at Margao Depot, but the Depot Manager refused to do so. That he made efforts to report at Panaji Depot and on meeting the Depot Manager at Panaji, showed the original transfer order to him but he refused to take him on duty under the pretext that he had not produced the relieving order. That he also met the Personnel Manager at the Panaji office since the transfer order was issued by him and appraised him of the situation and the refusal of employment to him by the Depot Manager. That during his last visit to the Personnel Manager on 6-11-92 the Personnel Manager told him and to the other two persons who had accompanied him that he had sent a reminder to the Margao Depot Manager but he has not received any reply from him. That thereafter he made a complaint u/s 35 C of the Certified Standing Orders of the employer to the Managing Director on 7-11-92 and submitted to him all the necessary details and a copy of the said complaint was addressed to the Dy. Labour Commissioner, Margao, requesting him to intervene in the matter. That the Dy. Labour Commissioner held conciliation proceedings and on 23-12-92 it was agreed between the workmen and the Management's representative namely the Personnel Manager Shri Saudagar that the workman shall report to Depot Manager at Margao within one week and accordingly the Dy. Labour Commissioner by letter dated 28/29-12-92 advised the workman to report to the Depot Manager at Margao. That as per the advice of the Dy. Labour Commissioner he reported to the Margao Depot Manager on 5-1-93 along with the letter dated 5-1-93 in the presence of

witnesses but the Depot Manager refused to take him back on duty and also refused to take the said letter. That on 6-1-93 he met the Dy. Labour Commissioner and he informed him the above facts. That thereafter several meetings were held but the matter could not be settled. That in the month of April 1993 he received a telegram from the management asking him to report at Panaji Depot and accordingly on 16-4-93 he went to the Panaji Depot for reporting for duties and submitted his joining report dated 16-4-93 but he was refused employment even at the Panaji Depot. That on account of the attitude taken by the employer the matter could not be settled and the failure report was submitted by the Dy. Labour Commissioner to the Government. The workman contended that the action on the part of the Margao Depot Manager and the Panaji Depot Manager in refusing to allow him to report for duty is illegal and bad in law. The workman contended that the action on the part of the employer in refusing employment to him from 1-10-92 is illegal and bad in law and therefore he is entitled to reinstatement in service with full back wages and continuity in service.

3. The employer filed written statement at Exb. 6. The employer stated that vide order dated 9-9-92 the workman was informed that the earlier transfer order dated 6-6-92 which was kept in abeyance was brought into effect immediately and his services stood transferred to Central Workshop, Porvorim, with immediate effect. The employer stated that the workman was relieved by the Depot Manager by his order dated 14-9-92 with instructions to him to report to the Depot Manager at Central Workshop, Porvorim on 15-9-92 at 9.00 a.m. and when the workman refused to take the relieving order it was displayed on the notice board. The employer denied that the workman made any representation to the Personnel Manager vide his letter dated 11-6-92. The employer stated that the transfer order dated 6-6-92 was kept in abeyance at the request of the workman. The employer denied that the workman approached the Depot Manager on 1-10-92 as contended by him. The employer denied that any complaint was made by the workman dated 7-11-92 to the Managing Director. The Employer stated that the workman did not report for duties inspite of being directed by the Dy. Labour Commissioner by his letter nor he reported for duties inspite of the fact that a telegram was sent to him asking him to report for duties. The employer denied that employment was refused to the workman and further denied that the workman is entitled to any relief as claimed by him. The workman thereafter filed rejoinder at Exb. 7.

4. On the pleadings of the parties, following issues were framed at Exb. 8.

1. Whether the workman/Party I proves that the employer/Party II refused employment to him w.e.f. 1-10-92?
2. Whether the workman/Party I proves that the action of the employer/Party II in refusing employment to him w.e.f. 1-10-92 is illegal and unjustified?
3. Whether the workman/Party I is entitled to any relief?
4. What Award?

5. My findings on the issues are as follows:

Issue No. 1 In the affirmative.

Issue No. 2 In the affirmative.

Issue No. 3 As per para. 13 below.

Issue No. 4 As per order below.

REASONS

6. *Issue Nos. 1 and 2:* Both these issues are taken up together because they are interrelated. The contention of the workman is that by transfer order dated 30-9-1992 he was transferred to Panaji Depot from Margao Depot and when he met the Depot Manager at Margao on 1-10-92 and asked for the relieving order he was told that the same order would be sent to him by post. His further contention is that he again met the Depot Manager on 10-10-92 as he had not received the relieving order and that he was stopped at the gate by the security and was not allowed to enter the premises on the ground that his services were transferred to Panaji. The contention of the workman therefore is that since he was not issued the relieving order he was not allowed to report for work at the Margao Depot from 1-10-92, and hence the same amounted to refusal of employment to him from 1-10-92 and this refusal is illegal and unauthorised. The contention of the employer on the other hand is that by order dated 6-6-92 Exb. W-3 the workman was transferred to Porvorim Depot and the said order was kept in abeyance as per the request made by the workman vide his letter dated 1-7-92 Exb. W-5. The contention of the employer is that another transfer order dated 9-9-92 Exb. E-1 was issued to the workman transferring him from Margao Depot to Porvorim depot but the workman refused to accept the said order and therefore the said order was displayed on the notice board on 15-9-92 and the relieving order was sent to him at his residential address by registered post on 25-9-92 which was returned unserved with the remark "unclaimed" (Exb-E-3). It is further the contention of the employer that after the said transfer order the workman neither reported at Margao depot nor at Porvorim depot and there was no refusal of employment as contended by workman.

7. The workman and the employer have led evidence oral as well as documentary in the matter. The workman has examined himself and other three witnesses namely Anthony Fernandes, Anand Ramnathkar, and Dhananjay Naik whereas the employer has examined the Depot Managers Shri Sanjay Ghate and Anil Prabhu in support of their case. It is an admitted fact that the workman was working at Margao depot as a helper. It is also an admitted fact that by order dated 6-6-92 (Exb. W-3) the workman was transferred from Margao depot to Central Workshop at Porvorim and the said transfer order was kept in abeyance as per the representation dated 11-6-92 (Exb. W-4) made by the workman and he continued to work at Margao Depot which is evident from the letter dated 1-7-92 (Exb. W-6) written by the Personnel Manager to the Depot Manager, Margao. Now the question is whether employment was refused to the workman by the employer as contended by him.

8. The workman in his evidence has stated that he received a transfer order dated 30-9-92, stating that he stood transferred to Panaji depot instead of at Central Workshop at Porvorim. He has produced the said transfer order at Exb. W-7. This order supports the contention of the workman that he was transferred at Panaji depot and the transfer was with immediate effect. This order also shows that the workman was working at Margao depot when it was issued to him and the Depot Manager was asked to relieve the workman immediately. The evidence which has come on record on this aspect through the witnesses of the employer is confusing and no reliance can be placed on the same. The Depot Manager Mr. Sanjay Ghate in his deposition has not referred to the order dated 30-9-92 at all. He has deposed only on the aspect of transfer order dated 9-9-92 (Exb. E-1) issued to the workman whereby he was transferred to Central Workshop at Porvorim and the issuing of relieving order dated 14-9-92 to him. The workman in his cross examination denied that he had received any transfer order dated 9-9-1992 or that he was relieved from Margao depot on 14-9-92 so as to enable him to report at Central Workshop, Porvorim. The employer's witness Mr. Sanjay Ghate, the

Margao Depot Manager, has stated in his deposition that the workman refused to accept the relieving order dated 14-9-92 and therefore it was displayed on the notice board along with the transfer order, and thereafter the said relieving order was sent to the workman by registered post at his residential address as he remained absent from 15-9-92 and that the same was returned unserved with postal endorsement "unclaimed". The employer has produced the envelope at Exb. E-3 which carries the endorsement "unclaimed". The said witness has further stated that he did not meet the workman after 15-9-92 nor he reported to him. The said witness has also produced the letter dated 24-9-92 at Exb. E-3 which was sent to the workman. In the said letter it is mentioned that the workman should make correspondence with the Works Manager at Porvorim and not to the Depot Manager at Margao. This letter was returned unserved. It is the case of the workman that he worked at Margao Depot till 30-9-92 on which date the transfer order dated 30-9-92 transferring him to Panaji depot was served on him. Now, if it is the case of the employer that after 15-9-92 the workman did not work at Margao depot or that he remained absent from 15-9-92, the question is how the transfer order dated 30-9-92 came to be served on him at Margao depot? The said order is produced at Exb. W-7 and the same is addressed to the workman at the Margao depot. The said order refers to the order dated 9-9-92 and states that the workman is transferred to Panaji depot instead of at Central workshop with immediate effect. By the said order the workman was asked to report to the Manager of Panaji depot and the Margao depot Manager was asked to relieve the workman immediately. The employer has not succeeded in proving absenteeism of the workman from 15-9-92 at Margao depot. If according to the employer's witness Shri Ghate the workman had applied for earned leave from 15-9-92 as mentioned by Shri Ghate in his letter dated 24-9-92 Exb. E-3, this should have been suggested to the workman in his cross examination or the leave application ought to have been produced. Neither of the thing was done. Besides, the employer's witness Shri Cuncolienkar, who was working as the Works Manager at Central Workshop at Porvorim in the year 1992 has stated in his cross examination that if any employee working under him was transferred from his department to somewhere else, the copy of the transfer order is received by him. He has admitted in his cross that the copy of the transfer order dated 30-9-92 Exb. W-7 was not endorsed to him nor he received any order from the employer asking him to relieve the workman from the Porvorim workshop. He has further admitted that in the transfer order dated 30-9-92 Exb. W-7 the Margao depot Manager was asked to relieve the workman and that if the workman had been working at Porvorim Workshop he would have received the order asking him to relieve the workman from Porvorim workshop and to transfer all his records at the place where he is transferred. The evidence on record therefore clearly shows that even though there was a transfer order dated 9-9-92 transferring the workman to Central workshop at Porvorim, it was not served on him and he continued to work at Margao depot till 30-9-92 on which date he was served with the said transfer order dated 30-9-92 Exb. W-7. The order dated 30-9-92 Exb. W-7 shows that it was addressed to the workman on the Margao depot address.

9. Now the question is whether the workman was refused employment from 1-10-92 as contended by him. The order dated 30-9-92 Exb. W-7 states that the workman is transferred to Panaji depot with immediate effect. In the said order the Margao depot Manager was asked to relieve the workman immediately, and the copy of the said order was sent to him. The Margao depot Manager Shri Vijay Ghate in this evidence has not denied that he received the copy of the order dated 30-9-92. However, his case is that he could not issue the relieving order because the workman had not reported for work after 15-9-92 at the Margao depot. This statement of Shri Ghate cannot be believed because if the workman had not reported at Margao depot after 15-9-92 how the transfer order dated

30-9-92 was served on him? The workman in his evidence has stated that he received the said order on the same day. In cross examination of Shri Ghate it was suggested to him that the transfer order was served on the workman by him on 30-9-92. He has further stated in his cross that he does not have the copy of the transfer order. This statement of the witness cannot be believed. The copy of the order ought to be in the records of the Margao depot. The only inference which can be drawn is that the witness is deliberately hiding the said document because if it is produced it would show how the said order was served on the workman and it would also prove that he was working at Margao depot. The employer has not produced any document to prove that the workman had not reported for work after 15-9-92. The attendance card of the workman would have proved this fact but the employer did not produce the same nor the employer produced the leave application of the workman whereby the workman is alleged to have applied for earned leave from 15-9-92. No suggestion whatsoever was put to the workman in his cross examination that he did not work at Margao depot after the transfer order dated 9-9-92 was issued to him or that he applied for earned leave from 15-9-92. On the contrary a contradictory suggestion was put to him that he was relieved on 14-9-92 and that he did not report at Porvorim Central Workshop. The employer's witness Shri Ghate, the Margao Depot Manager on the other hand has stated in his evidence that the workman had refused to accept the relieving order and therefore it was sent to him by registered post. I have already held earlier that it is established from the evidence on record that the workman was working at the Margao depot when the order dated 30-9-92 was served on him. Therefore the contention of the Depot Manager Shri Ghate that he could not issue relieving order to the workman because he had not reported for work from 15-9-92 cannot be believed. If the Depot Manager was unable to issue the relieving order to the workman he would have definitely written about it to the Personnel Manager, who had asked him to relieve the workman immediately. There is no evidence that such a letter was written by the Depot manager. The workman has stated in his deposition that he met the Depot Manager Mr. Ghate on 1-10-92 and asked for the relieving order and that he was told that it would be sent to him by post. He has stated that he again went to meet the Depot Manager Mr. Ghate on 10-10-92 since he had not received the relieving order, but he was stopped at the gate by the security on the ground that his services were transferred at Panaji. He has further stated that thereafter he came back to Panaji and met the Personnel Manager who asked him to meet the Depot Manager and that since he was not being issued the relieving order and was not able to resume his duties at Panaji, he made a complaint to the Managing Director dated 17-11-92 with a copy endorsed to Dy. Labour Commissioner (South) Margao. He has produced the said complaint at Exb. W-8, who fixed a meeting on 23-12-92. He has stated that in the said meeting it was agreed that the workman would report to the Depot Manager, Margao within one week and he had produced the letter dated 28-12-92 at Exb. W-9 written by the Dy. Labour Commissioner to this effect. He has stated that he reported for work at Margao depot with joining report but the Depot Manager Mr. Ghate refused to allow him to resume his duties and also to accept the joining report. He has produced the joining report at Exb. W-10 which according to him he had submitted in the presence of Mr. Dhananjay Naik and Mr. Anant Ramnathkar. He has also produced the copy of the complaint Exb. W-11 made by him to the Dy. Labour Commissioner, Margao on 6-1-93 about refusal of employment to him. The workman stated that the conciliation proceedings ended in failure on 5-4-93 and he produced the minutes of the meeting dated 5-4-93 at Exb. W-13. He has stated that thereafter he received a telegram dated 15-4-93 asking him to report for duties immediately at Panaji depot and hence on 16-4-93 he reported at Panaji depot and submitted his joining report, but the Depot Manager refused to accept the same and also

refused to take him on duty in presence of one Mr. Joaquim Fernandes, Sudesh Naik and Joao Mendes. He has produced the joining report dated 16-4-93 at exb. W-15 as also the minutes of the meeting dated 4-5-93 at Exb. W-16 and the failure report dated 24-12-93 at Exb. W-17. In the cross examination of the workman only suggestions have been put to him denying the statements made by him in his deposition. The employer has not been able to extract anything favourable to it in the cross examination of the workman.

10. The workman has examined the three witnesses in support of his case. The witness Anand Ramnatkar and Dhananjay Naik have deposed on the incident of 5-1-93 when the workman approached the Margao Depot Manager Mr. Ghate to report for duty. The witness Mr. Anand Ramnatkar has stated that he is working with the employer and that in the year 1993 he was working at Margao depot and the workman was also working there as a helper. He has stated that on 5-1-93 he accompanied the workman along with Mr. Dhananjay Naik to the Depot Manager Mr. Ghate. He has stated that the workman handed over the letter dated 5-1-93 to Mr. Ghate but he refused to accept the same. He has stated that the workman took their signatures on the said letter as the witnesses to the incident of refusal by Mr. Ghate to accept the said letter dated 5-1-93. He has identified his signature on the said letter dated 5-1-93. Exb. W-10 at point "B". The statement made by this witness are corroborated by the other witness Shri Dhananjay Naik. He has also stated that in the year 1993 he was working at Margao depot and that he know the workman who was working as helper/cleaner. He has stated that the workman wanted to report for work on 5-1-93 and hence he approached the Depot Manager Mr. Ghate who did not allow him to report for duty. He has stated that the workman requested him and Mr. Anant Ramnatkar to be witness to the incident of refusal. He has stated that Mr. Ghate did not allow the workman to report for duty though he was shown the letter dated 28-12-92 exb. W-9 and also refused to accept the letter dated 5-1-93 Exb. W-10. He has identified his signature on the letter dated 5-1-93 Exb. W-10 at point 'A'. In the cross examination of both these witnesses only the suggestions were put denying the incidents of 5-1-93. It was also suggested to both these witnesses that Mr. Ghate had not reported for duty on 5-1-93. This suggestion is contrary to the admission made by Mr. Ghate in his cross examination. Mr. Ghate has admitted in his cross that he was on duty on 5-1-93 at Margao depot. Suggestion was also put to the workmen in his cross examination that the witnesses Shri Anand Ramnatkar and Shri Dhananjay Naik whose names are mentioned in the report dated 5-1-93 Exb. W-10 were not working with the employer and this suggestion was denied by the workman. However the employer's witness Shri Sanjay Ghate himself has admitted in his deposition that he knows Shri Ramnatkar and Shri Dhananjay Naik because they were working with the employer at Margao depot when he was working there as Depot Manager. The above evidence clearly shows that the employer was taking contradictory stands and in view of the contradictory stands taken by the employer there is no reason to disbelieve the workman and his witness that the workman had approached the Margao Depot Manager on 5-1-93 for reporting for duty along with the letter dated 5-1-93 Exb. W-10 and Depot manager refused to accept the said letter as also did not allow the workman to report for work. The employer's witness Shri Ghate has admitted in his cross that he had received the copy of the letter dated 29-12-92 Exb. W-9 whereby the Dy. Labour Commissioner had asked the workman to report to the Depot Manager, Margao, within one week. Shri Ghate was the Margao Depot Manager at that time. If the workman had not reported for work as per the said letter why the Margao Depot Manager did not report to the Dy. Labour Commissioner about this fact. In fact it was his duty to report to the Dy. Labour Commissioner that inspite of his letter the workman did not report. On the other hand the workman has produced a letter dated 6th January 1993 Exb. W-11 addressed to the Dy. Labour Commissioner wherein he has stated that he reported to the Margao Depot Manager on 5-1-93 with joining report along with two witnesses and that he was not allowed to report for duty. Therefore from the evidence discussed above, I hold that the workman has succeeded in proving that he reported for duty at the Margao depot on 5-1-93 but he was not allowed to report for duty.

11. It is the case of the workman that after the conciliation proceedings had ended in failure on 5-4-93 he received a telegram dated 15-4-93 from the employer asking him to report for duty immediately at Panaji depot. The said telegram has been produced by the workman at Exb. W-14. The workman in his deposition has stated that on receipt of telegram he reported for duty at Panaji depot on 16-4-93 along with the joining report, but the Panaji Depot Manager refused to take him on duty and to accept the joining report in the presence of one Shri Joaquim Fernandes, Shri Sudesh Naik and Shri Joao Mendes. He produced the joining report dated 16-4-93 at Exb. W-15. He stated that he reported the matter to the Dy. Labour Commissioner orally who fixed the meeting on 4-5-93. The workman produced the minutes of the meeting dated 4-5-93 at Exb. W-16. In his cross examination only suggestion was put to him that he did not report for duty along with the joining report on 16-4-93 because he was gainfully employed, which suggestion he denied. The contention of the workman that he reported for duty on 16-4-93 is supported by his witness Shri Joaquim Fernandes. He has stated that in 1993 he was working at the Panaji depot. He has stated that on 16-4-93 he had accompanied the workman to the depot manager who refused to accept the letter/joining report dated 16-4-93 Exb. W-15, and also did not allow him to report for work though the telegram Exb. W-14 was shown to him. In his cross examination it was not disputed that in the year 1993 he was working at Panaji depot. He admitted that on 16-4-93 the Depot Manager was not in the office but one Mr. Narayan Naik was in charge of the Depot and he was in the office and that said Mr. Naik refused to accept the letter Exb. W-15. The employer has examined one Mr. Anil Prabhu, who was working as the Panaji Depot Manager in the year 1993. His evidence as regards the incident on 16-4-93 is contrary to the suggestion put to Shri Joaquim Fernandes the witness of the workman, in his cross examination. According to Mr. Anil Prabhu he was present in his office at Panaji depot on 16-4-93 whereas as mentioned earlier, it was suggested to the witness Shri Joaquim Fernandes that on 16-4-93 Depot Manager was not in the office but one Mr. Narayan Naik was in charge of the Depot and he was in the office. Besides Mr. Anil Prabhu was asked to produce his attendance records of 16-4-93 and he agreed to produce the same. He was given an opportunity to produce the same but he did not do so on the ground that the same is not available. Vis-a-vis the suggestion put to the workman's witness Shri Joaquim Fernandes that Mr. Anil Prabhu was not present in the Panaji Depot Office on 16-4-93 and the statement of Mr. Anil Prabhu that he was present in the office, and his further statement that he is not able to produce his attendance records of 16-4-93 because they are not available, the only reasonable inference which can be drawn is that the witness Shri Anil Prabhu does not want to produce the said record because it would show whether he was present in the office on 16-4-93 or not. It is difficult to believe that his attendance record of 16-4-93 is not available. The minutes of the meeting dated 4-5-93 Exb. W-16 held before the Dy. Labour Commissioner show that in the said meeting the workman had brought to the notice of the Dy. Labour Commissioner that he was not allowed to report for work on 16-4-93. Shri Anil Prabhu, the Panaji Depot Manager has admitted in his deposition that he received the copy of the transfer order dated 30-9-92 Exb. W-7 which was endorsed to him. According to him the workman did not report him in response to the said transfer order. The said transfer order is dated 30-9-92 and it states that the transfer is with immediate effect and the workman should report to the Panaji Depot Manager for further orders. If according to Mr. Prabhu the workman did not report in response to the said transfer order, why he did not report matter to the Personnel Manager or any other authority immediately and made the report to the Personnel Manager only on 17-5-93? In the normal course he ought to have made report immediately when the workman failed to report to him in response to the order.

12. In the light of the evidence discussed above, in my view the workman has succeeded in proving that the employer refused employment to the workman with effect from 1-10-1992 and there is no evidence on record to show that the refusal is legal and justified. I, therefore hold that the employer refused employment to the workman with effect from 1-10-1992 and this action of the employer of refusal

of employment to the workman is illegal and unjustified. I therefore answer the issue nos. 1 and 2 in the affirmative.

13. *Issue No. 3:* Once it is held that the refusal of employment to the workman from 1-10-92 is illegal and unjustified, the next question is to what relief the workman is entitled to. It is a general rule that when refusal of employment is held to be illegal and unjustified, the workman should be reinstated in service with full back wages, unless there are reasons for not doing so. One of the factors to be considered is whether the past conduct of the workman was good or not and the other is whether he was gainfully employed or not. In the present case there is nothing on record to show that the past conduct of the workman was not good. On the contrary the employer's witness Shri Sanjay Ghate who was working as the Depot Manager at Margao when the workman was working there has stated in his deposition that during the time when he was working at Margao he found the work of the workman satisfactory. There is also no evidence on record to show that the workman was gainfully employed subsequent to the refusal of the employment to him. Except putting suggestion to the workman that he was gainfully employed, which suggestion he denied, the employer did not produce any evidence to prove that the workman was gainfully employed. I, therefore do not find any reason to deviate from the normal rule that the workman is entitled to reinstatement in service with full back wages and other consequential benefits once it is held that refusal is illegal and unjustified. I, therefore hold that the workman is entitled to reinstatement in service with full back wages and continuity in service besides all other consequential benefits.

In the circumstances, I pass the following order.

ORDER

It is hereby held that the action of the management of M/s Kadamba Transport Corporation, in refusing employment to the workman Shri Ulhas Naik, helper/Cleaner, with effect from 1-10-1992 is illegal and unjustified. The workman Shri Ulhas Naik is hereby ordered to be reinstated in service with full back wages and continuity in service. He shall be also entitled to all other consequential benefits.

No order as to costs. Inform the Government accordingly.

Sd/-
(Ajit J. Agni)
Presiding Officer
Industrial Tribunal

Department of Public Health

Order

No. 11-3-89-IV/PHD/6

Read: Memorandum No. 11-3-89-IV/PHD/6 dated 15-12-99.

On recommendation of Goa Public Service Commission vide their letter No. COM/15/14(24)/89 dated 2nd November 1999, the Government is pleased to appoint Dr. Gauri R. Sardesai to the post of Lecturer in Periodontia in Goa Dental College and Hospital, Bambolim on regular basis on an initial pay of Rs. 8,000/- in the pay scale of Rs. 8000-275-13500 plus N.P.A. and other allowance with effect from the date of her joining the above post as per the terms and conditions contained in the memorandum referred to above. Dr. Gauri R. Sardesai shall be on probation for a period of two years.

Dr. Gauri R. Sardesai has already been examined by the Medical Board of the Goa Medical College and found medically fit.

Her appointment is subject to verification of her character and antecedents.

By order and in the name of the Governor of Goa.

T. J. Faleiro, Joint Secretary (Health).

Panaji, 15th December, 1999.

Department of Revenue

Notification

No. 22/112/97-RD

Whereas by Government Notification No. 22/112/97-RD dated 9-6-98 published on page 162, 163 of Series II, No. 14 of the Official Gazette, Dated 2/7/98 and in two newspapers (1) Navhind Times dated 19-1-99 (2) Rashtramat dated 22-6-98 and corrigendum/Notification No. 22/112/97-RD dated 1-7-99, published in Official Gazette, Series II, No. 22, dated 26-8-99 and Rashtramat dated 15-7-99 & Navhind Times dated 14-7-99, it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. for construction of Ravindra Bhavan at Margao.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA), Collectorate of South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Dy. Collector (LA), Collectorate of South Goa, Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete

City: Margao

Sy. No./	Ch. No./	Sub-Div. No.	Names of the persons believed to be interested	Appx. area in sq. mts.
1	2	3		
138	5	1	O: Comunidade of Margao. T: Pedro Fernandes.	142
"	"	2	O: Comunidade of Margao. T: Santano Gomes.	180
"	"	3	O: Comunidade of Margao. T: Pedro Vaz.	142
"	"	4	O: Comunidade of Margao. T: Pedro Vaz.	291

			1	2	3				1	2	3
138	5	5	O: Comunidade.		312	137	1	2	O: — do —		96
			T: Santano Gomes.						T: Joaquim Noronha.		
"	"	6	O: Comunidade.		350	"	"	3	O: — do —		90
			T: Pedro Fernandes.						T: Sacramento Costa.		
"	"	7	O: Comunidade of Margao.		345	"	"	4	O: Felecidade Alfonso.		200
			T: Smt. Felecidade Concesao A.			"	"	5	O: — do —		148
"	"	8	O: Comunidade of Margao.		369				T: Vency Fernandes.		
			T: Santan Fernandes.			"	"	6	O: — do —		165
"	"	9	O: Comunidade of Margao.		391				T: Pascual.		
			T: Conceicao.			"	"	7	O: — do —		204
"	"	10	O: Comunidade of Margao.		463				T: Vency Fernandes.		
			T: Pratima Prabhakar Naik.			"	"	8	O: Comunidade of Margao.		194
"	"	11	O: Comunidade of Margao.		553				T: Domingo Soares.		
			T: Custodio Dias.			"	"	9	O: — do —		28
"	"	12	O: Comunidade of Margao.		631				T: Angelina.		
			T: Sacramento Costa.			"	2	—	O: — do —		859
"	"	13	O: — do —		706				T: Joaquim Vincent Rebelo.		
			T: Joaquim Noronha.			"	3	—	O: Comunidade de Margao.		1600
"	6	1	O: — do —		156	112	3	—	O: Comunidade de Margao.		4953
			T: Pedro Fernandes.						T: Datta Naik Borkar.		
"	"	2	O: — do —		119	"	4	—	O: — do —		6800
			T: Santano.						T: Benjamin Rebelo.		
"	"	3	O: — do —		116				Sebastiao Rebelo.		
			T: Pedro Vaz.						<i>Boundaries:</i>		
"	"	4	O: — do —		255				North: Road.		
			T: Pedro Vaz.						South: 6/138, 1/137, 2/137 & 3/137.		
"	"	5	O: — do —		216				East: 3/112, 4/112, & 3/137.		
			T: Santano.						West: 3/138, & 4/139.		
"	"	6	O: — do —		192						
			T: Pedro Fernandes.								
"	"	7	O: — do —		176						
			T: Joaquim Minguel.								
"	"	8	O: — do —		160						
			T: Santano Fernandes.								
"	"	9	O: — do —		135						
"	"	10	O: Comunidade of Margao.		116						
			T: Pratima Prabhakar Naik.								
"	"	11	O: — do —		78						
			T: Custodio Dias.								
112	8	1	O: Comunidade of Margao.		625						
			T: Joaquim Rosario Afonso.								
"	"	2	O: — do —		643						
			T: Felicidade Conceicao Afonso.								
"	"	3	O: — do —		644						
			T: — do —								
"	"	4	O: — do —		856						
			T: Venacio Luis Fernandes.								
"	"	5	O: — do —		931						
			T: Felix Fernandes.								
"	"	6	O: — do —		960						
			T: Venacio Luis Fernandes.								
"	"	7	O: — do —		1023						
			T: Domingo Soares.								
"	"	8	O: — do —		687						
137	1	1	O: Comunidade of Margao.		154						
			T: Sacramento Costa.								

Total: 28454

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Revenue).

Panaji, 12th December, 1999.

Department of Tourism

Notification

No. 8/1/99-TDC (T)/2830

Read: Notification No. 8/1/98-TDC (T)/1019 dated 16th June, 1999 published in Official Gazette Series II No. 12 dated 17th June, 1999.

In terms of Article 107 read with Article 117 of the Articles of Association of Goa Tourism Development Corporation, Ltd. (hereinafter called the said Corporation) the Governor of Goa is pleased to appoint the following persons as Directors of the Goa Tourism Development Corporation Ltd., namely:-

- | | |
|--|--------------|
| 1. Shri Manohar T. Azgaonkar. | ... Chairman |
| 2. Shri Agnelo Fernandes, Colva, Salcete-Goa. | ... Director |
| 3. Shri Mangaldas Naik, Councillor, Panaji Municipal Council, Goa. | ... Director |

4. Smt. Nelly Rodrigues, Lecturer, M.E.S.
College, Vasco-da-Gama. ... Director
5. Shri Manuel D'Costa, Headmaster,
St. Andrew High School, Vasco-da-Gama. ... Director
6. Smt. Lavina Raul Fernandes, Alto-Porvorim,
Goa. ... Director
7. Shri Dasharath Mahale, Uguem, Dhargal,
Pernem-Goa. ... Director
8. Shri Simon Fernandes, Navelim, Salcete-Goa. ... Director
9. Shri Cruz Cardozo, Tibet, Pasos, Cavelossim,
Salcete-Goa. ... Director
10. Secretary Tourism. ... Director
11. Director Tourism. ... Director
12. Managing Director, Goa Tourism Development
Corporation. ... Director

Shri Manohar T. Azgaonkar has been nominated as Chairman of the Corporation vide notification dated 16/6/1999, cited above.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Director of Tourism & Ex-Officio Jt. Secretary.

Panaji, 1st November, 1999.

Order

No. 4/1/92-STE (T)/2374

Read: Order No. 4/1/92-STE (T) dated 4-1-95 issued by the Under Secretary (GA), General Admn. & Co-ordn Deptt. Secretariat, Panaji.

Government is pleased to declare S/Shri Ankush R. S. Shriodkar and Arlindo Pereira, Assistant Directors in the Department of Tourism to have completed satisfactorily their probation period of two years from 13-12-1994 to 12-12-1996.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Director of Tourism & Ex-Officio Jt. Secretary.

Panaji, 5th November, 1999.

Department of Town & Country Planning

Notification

No. 4-5-2-84-UDD/359

In supersession of all earlier Notifications and in exercise of the powers conferred by Sub-Section (1) and (3) of Section 20 of the Goa, Daman & Diu Town & Country Planning Act, 1974 (Act 21 of 1975), read with Rule 3 of GDD Town and Country Planning (Planning and Development Authority) Rules, 1977 and Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa

hereby appoints the following as Members of South Goa Planning and Development Authority, Margao:

1. Shri Ramrao Dessai M.L.A. Curchorem. ... Chairman
2. Shri Bicu N. Guinde. ... Member
3. Shri Inacio Sardinha. ... Member
4. Shri Akbar Mulla Ponda. ... Member
5. Shri Suraj Kamat. ... Member
6. Shri Subhash Naik. ... Member
7. Smt. Kamalini Painguinkar Councillor. ... Member
8. Smt. Namita Lawande, Councillor. ... Member
9. Shri Nagesh Priolkar, Councillor. ... Member
10. Town Planning Officer deputed. ... Member Secretary

By order and in the name of the Governor of Goa.

R. N. Ray, Chief Town Planner & Ex-Officio Jt. Secretary.

Panaji, 17th December, 1999.

Department of Transport

Order

No. 5/33/85-Tpt/2543

In pursuance of Government of India, Ministry of Surface Transport, Notification No. S. O. 444(E) dated 12-6-89, the Government of Goa hereby allots to the Registering Authorities Specified in Column (2) of the Schedule appended hereto, the Code numbers as shown in the corresponding entry in Column (3) of the said Schedule, for the purpose of being used after the registration mark GA.

SCHEDULE

S. No.	Registering Authority	Code Number
1	2	3
1.	Asstt. Director of Transport, Mapusa	03
2.	Asstt. Director of Transport, Bicholim	04
3.	Asstt. Director of Transport, Ponda	05
4.	Asstt. Director of Transport, Vasco	06

The above Registering Authorities should start using the respective Code number only after the alphabets already allotted to them with Code number 01 or 02 are fully exhausted. The Code number 01 and 02 which were earlier allotted to North Goa District and South Goa District respectively shall now stand allotted to Asstt. Director of Transport, Panaji and Asstt. Director of Transport, Margao respectively.

By order and in the name of the Governor of Goa.

A. T. Kamat, Director of Transport & Ex-Officio Joint Secretary (Tpt).

Panaji, 7th December, 1999.

Corrigendum

In the Orders of adjudication of Industrial Dispute of the Department of Labour published in the Official Gazette, Series II No. 35 dated 25-11-1999 on pages 558, 559 and 560 in the date of the orders, read "1997" instead of "1999".